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CHARLES ELMORE CROPLEY
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1945.

No. [redacted] 27

BRUCE'S JUICES, INC., a Corporation, *Petitioner*,

v.

AMERICAN CAN COMPANY, a Corporation.

MOTION FOR LEAVE TO FILE AND

MEMORANDUM IN SUPPORT OF PETITION FOR CERTIORARI AS AMICUS CURIAE.

WRIGHT PATMAN.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1945.

No. ——.

BRUCE'S JUICES, INC., a Corporation, *Petitioner*,

v.

AMERICAN CAN COMPANY, a Corporation.

MOTION FOR LEAVE TO FILE AS AMICUS CURIAE MEMORANDUM IN SUPPORT OF PETITION FOR CERTIORARI.

Comes now Wright Patman, and moves the Court for leave to file as amicus curiae a memorandum in support of the petition for certiorari in the cause of *Bruce's Juices, Inc.*, v. *American Can Company*. Attached to this motion is the memorandum in question.

The appellee has been notified of this motion by mailing to it a full copy of this motion and of the memorandum.

Respectfully submitted,

WRIGHT PATMAN.

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OCTOBER TERM, 1945.

No. ———.

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v.

AMERICAN CAN COMPANY, a Corporation.

MEMORANDUM IN SUPPORT OF PETITION FOR CERTIORARI.

I, Wright Patman, as amicus curiae, respectfully pray that the petition of Bruce's Juices, Inc., for a writ of certiorari to the Supreme Court of the State of Florida to review the decision and judgment of the said Court in the above entitled case be granted.

I have no personal interest, of a financial character, in the outcome of this litigation. But the case presents federal issues of outstanding importance in law and public policy. The documents submitted to the United States Supreme Court reveal the effective denial to petitioner of the right to plead a violation of the Robinson-Patman Act in a suit in a state court. Such a denial seems to me to be contrary to the

intent of the Congress; to weaken the Act by taking away its most available remedy; to diminish the protection against monopoly which the Act throws about small business; and to impede the antitrust policy which the Act was meant to instrument. And the denial of the defense sought precludes a judgment on the substantive question of the legality of the price-structure of American Can Company and of the system of trade practices which attend it. To me it seems that the petitioner is entitled to his trial at law as to whether this system as it operates is lawful, or whether the scheme of quantity discounts is a cloak for a classification of customers on the basis of economic power which it was the very purpose of the Robinson-Patman Act to outlaw.

Therefore, I respectfully pray that the question of the validity of the defense interposed by petitioner be passed upon by the one Court in the land which can give it a definitive answer; and that, if it is held to be available, petitioner be accorded his opportunity to make good in court his contention that the trade practices of American Can Company operate in violation of the Robinson-Patman Act. It seems to me that the claims of law enforcement, independent business, and the system of free competitive enterprise unite in support of this plea.

Respectfully submitted,

WRIGHT PATMAN.